

Application No.: 10/022118

Case No.: 57319US002

Remarks

Claims 7, 14, 15 and 28 have been canceled. Claims 1, 8, 10, 11 and 12 have been amended. Claims 1-6, 8-13, and 16-27 are pending. Basis for the amendments to claim 1 may be found in claims 7 and 28, now cancelled.

§ 112 Rejections

Claims 8, 11-15, 20 and 25 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejections are traversed in part and avoided in part by amendments presented herewith.

With respect to claim 8 the Office Action (at item A) asserts that the term "said isocyanate groups" lacks antecedent basis. Applicants disagree noting that claim 8 was dependent on claim 7, which recited the term polyisocyanate. By definition a polyisocyanate is an organic compound having a plurality of isocyanate groups. Therefore the claim is entirely consistent with the M.P.E.P 2173.05(e) which states in part that "[i]nherent components of elements recited have antecedent basis in the recitation of the components themselves."

Applicants submit that the term would be well understood by one skilled in the art and a recitation such as "said isocyanate groups of said polyisocyanate" is needlessly redundant.

With respect to item B and claims 11 and 12, the Office Action asserts that Applicants have failed to specify the basis and type for the claimed percent values. The Office queries whether the claimed percentage values are weight percent or mole percent.

Applicants believe that the previous response clearly addressed the issue. Specifically, Applicants asserted that it is known in the art and it is clear from the specification that there is a one-to-one correspondence between the reactive functional groups of compounds (a)(2), (a)(3) and (a)(4) and the isocyanate groups of the polyfunctional isocyanate compounds (a)(1). One isocyanate group may react with one functional group of the reactive functional groups (of (a)(2), (a)(3) and (a)(4)). As the number of isocyanate groups in a given sample can be calculated, there is nothing indefinite concerning the instant percentages.

For example, if there were 1000 isocyanate groups in absolute number, then between 100 and 300 of the isocyanate groups would react with the hydrophilic polyoxyalkylene compounds (0.1 and

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30% of isocyanate groups), between 100 and 250 would react with the silane compounds (0.1 and 25 % of isocyanate groups), and between 600 and 900 would react with the fluorochemical monofunctional compounds (60 and 90% of isocyanate groups).

Again, the absolute number of isocyanate groups in any given composition is a known quantity, and the percentages recited in claims 11 and 12 is relative to that absolute number. Applicants had previously amended to refer to "mole percent" as a "mole" is also an absolute number, and introduction of the term would not alter the scope of the claimed percent ranges. However, Applicants now believe that the amendment was unnecessary and have again amended to remove the word "mole".

The Office Action has introduced needless confusion over possible use of the term "weight percent" without any basis, and contrary to a fair reading of the claimed limitation. In the context of claim 11, "weight percent" of the isocyanate groups makes no sense. In maintaining the rejection, the Office Action ignores the standard set forth in M.P.E. P 2173.02; that the claim interpretation be one given by one skilled in the art. Withdrawal of the rejection is respectfully requested.

With regard to claim 12 and item C, the Office action asserts that the phrase "available isocyanate groups" lacks antecedent basis. In response, Applicants have amended claims 11 and 12 to remove the word "available". Withdrawal of the rejection is respectfully requested.

With regard to claim 13 and item D, the Office Action asserts that the phrase "unreacted isocyanate groups" lacks antecedent basis. Applicants disagree.

In making the rejection, the Office Action ignores the context of claim 13. The second component auxiliary compounds are the reaction product of a polyisocyanate, a blocking agent and a polyoxyalkylene compound. A portion of the isocyanate groups (of the polyisocyanate) are reacted with the polyoxyalkylene compound (25 to 75 % per claim 12). This leaves some portion of the isocyanate groups unreacted (the remainder or 75 to 25%). These unreacted isocyanate groups are blocked isocyanate groups. Applicants could provide a claim reciting "wherein 75 to 25% of the isocyanate groups are blocked isocyanate groups", but submit this alternative construction is equivalent to instant claim 13. Withdrawal of the rejection is respectfully requested.

With regard to claims 14 and 15 and item E, the Office Action that Applicants have failed to specify whether the recited ratio is a weight or mole ratio. In an effort to advance prosecution and limit the issues remaining, claims 14 and 15 are cancelled.

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With regard to claims 20 and 25, the Office Action asserts that the basis for the claimed percent values has not been provided. Basis for the amendment to claim 20 may be found on page 22, lines 3 to 9. Basis for the amendment to claim 25 may be found on page 23, lines 29 to 32. Withdrawal of the rejection is respectfully requested.

In summary, Applicants submit that the rejection of claims 8, 11-15, 20 and 25 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

Claim 11 stands rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Office Action asserts that Applicants have failed to indicate support for the word "mole" added in the previous amendment.

Applicants have deleted the word from claim 11, and have argued *supra* that the recited percentages refer to the absolute numbers of isocyanate groups. It is again submitted that the recited ranges comply with 35 USC § 112, first and second paragraphs and the rejections should be withdrawn.

§ 102 Rejections

Claims 1-6, 11, 16 and 18-27 stand rejected under 35 USC § 102(e) as being anticipated by U.S. 6,646,088 (Fan et al.). The rejection is avoided by amendments presented herewith.

Claim 1 has been amended to specifically recite the second auxiliary components of claims 7 and 28. As noted in the Office Actions, the indicated claims are allowable if rewritten in independent form. Withdrawal of the rejection is requested.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. Allowance of claims 1-28, as amended, at an early date is solicited.

Respectfully submitted,

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Date

Oct 18/2004

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